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I

*(Information)***COUNCIL AND COMMISSION****Missions of third countries: Accreditations**

(93/C 135/01)

The President of the Council and the President of the Commission of the European Communities received Her Excellency Ambassador Mary SEET-CHENG who presented to them her letters of credence in her capacity as Head of the Mission of the Republic of Singapore to the European Communities (EEC, ECSC, EAEC) with effect from 23 April 1993.

On this occasion the newly appointed Head of Mission also presented her predecessor's letters of recall.

The President of the Council and the President of the Commission of the European Communities received His Excellency Ambassador Man Soon CHANG who presented to them his letters of credence in his capacity as Head of the Mission of the Republic of Korea to the European Communities (EEC, ECSC, EAEC) with effect from 23 April 1993.

On this occasion the newly appointed Head of Mission also presented his predecessor's letters of recall.

The President of the Council and the President of the Commission of the European Communities received His Excellency Ambassador Dugesh M. SINGH who presented to them his letters of credence in his capacity as Head of the Mission of the Kingdom of Nepal to the European Economic Community (EEC) with effect from 23 April 1993.

On this occasion the newly appointed Head of Mission also presented his predecessor's letters of recall.

The President of the Council and the President of the Commission of the European Communities received His Excellency Ambassador Manfred SCHEICH who presented to them his letters of credence in his capacity as Head of the Mission of the Republic of Austria to the European Communities (EEC, ECSC, EAEC) with effect from 23 April 1993.

On this occasion the newly appointed Head of Mission also presented his predecessor's letters of recall.

The President of the Council and the President of the Commission of the European Communities received His Excellency Ambassador Volodymyr VASSYLENKO who presented to them his letters of credence in his capacity as Head of the Mission of Ukraine to the European Communities (EEC, ECSC, EAEC) with effect from 23 April 1993.

The President of the Council and the President of the Commission of the European Communities received His Excellency Ambassador S. Hasan AHMAD who presented to them his letters of credence in his capacity as Head of the Mission of the People's Republic of Bangladesh to the European Communities (EEC, ECSC, EAEC) with effect from 26 April 1993.

On this occasion the newly appointed Head of Mission also presented his predecessor's letters of recall.

COMMISSION

Ecu ⁽¹⁾

13 May 1993

(93/C 135/02)

Currency amount for one unit:

Belgian and Luxembourg franc	40,1081	United States dollar	1,20826
Danish krone	7,52382	Canadian dollar	1,53823
German mark	1,95049	Japanese yen	134,987
Greek drachma	264,802	Swiss franc	1,76381
Spanish peseta	148,314	Norwegian krone	8,26811
French franc	6,57896	Swedish krona	8,93905
Irish pound	0,802509	Finnish markka	6,71429
Italian lira	1803,77	Austrian schilling	13,7210
Dutch guilder	2,18840	Icelandic krona	76,6881
Portuguese escudo	188,222	Australian dollar	1,72559
Pound sterling	0,789969	New Zealand dollar	2,22515

The Commission has installed a telex with an automatic answering device which gives the conversion rates in a number of currencies. This service is available every day from 3.30 p.m. until 1 p.m. the following day.

Users of the service should do as follows:

- call telex number Brussels 23789;
- give their own telex code;
- type the code 'cccc' which puts the automatic system into operation resulting in the transmission of the conversion rates of the ecu;
- the transmission should not be interrupted until the end of the message, which is marked by the code 'ffff'.

Note: The Commission also has an automatic telex answering service (No 21791) providing daily data on calculation of monetary compensatory amounts for the purposes of the common agricultural policy.

⁽¹⁾ Council Regulation (EEC) No 3180/78 of 18 December 1978 (OJ No L 379, 30. 12. 1978, p. 1), as last amended by Regulation (EEC) No 1971/89 (OJ No L 189, 4. 7. 1989, p. 1).

Council Decision 80/1184/EEC of 18 December 1980 (Convention of Lomé) (OJ No L 349, 23. 12. 1980, p. 34).

Commission Decision No 3334/80/ECSC of 19 December 1980 (OJ No L 349, 23. 12. 1980, p. 27).

Financial Regulation of 16 December 1980 concerning the general budget of the European Communities (OJ No L 345, 20. 12. 1980, p. 23).

Council Regulation (EEC) No 3308/80 of 16 December 1980 (OJ No L 345, 20. 12. 1980, p. 1).

Decision of the Council of Governors of the European Investment Bank of 13 May 1981 (OJ No L 311, 30. 10. 1981, p. 1).

COURT OF JUSTICE

COURT OF JUSTICE

Action brought on 23 March 1993 by 1. Campo Ebro Industrial SA, 2. Levantina Agricola Industrial SA and 3. Cerestar Iberica SA against the Council of the European Communities

(Case C-105/93)

(93/C 135/03)

An action against the Council of the European Communities was brought before the Court of Justice of the European Communities on 23 March 1993 by 1. Campo Ebro Industrial SA, Avenida Salvador Allende, 76-78, Zaragoza, Spain, 2. Levantina Agricola Industrial SA, Avenida Diagonal, 440-08037 Barcelona, Spain and 3. Cerestar Iberica SA, Avenida Montserrat, 08760 Martorell, Spain, represented by Paul Glazener, member of the Rotterdam Bar, of Nauta Dutilh, Livornostraat 41, B-1050 Brussels, with an address for service at the offices of Marc Loesch, avocat, 8, rue Zithe, L-1011 Luxembourg.

The applicant claims that the Court should:

- (i) annul Council Regulation (EEC) No 3814/92 of 28 December 1992⁽¹⁾;
- (ii) order the Community to make good the damage suffered by the applicants as a result of the Regulation and to assess the damages at ECU 3 444 403 for Campo Ebro, ECU 1 305 169 for Laisa and ECU 2 132 421 for Cerestar, or at such other amounts as the Court may consider appropriate, increased by an interest of eight per cent per year from the date of this application until the date of payment;
- (iii) order the Council to pay the applicants' costs in this action; and/or
- (iv) order such other relief as may be lawful or equitable.

Contentions and main arguments adduced in support:

The applicants seek the annulment of Council Regulation (EEC) No 3814/92 of 28 December 1992, which terminates the transitional arrangement provided for in the Act of Accession of Spain and Portugal with a view to the alignment of the sugar and beet prices applying in

Spain on the common prices and provides for a complete alignment of the prices on 1 January 1993, i.e. two and a half years earlier than the date fixed in Regulation (EEC) No 1716/91⁽²⁾.

The sugar and isoglucose markets are closely linked and a decision with respect to sugar prices inevitably has repercussions on the prices for isoglucose. Whereas the Council has taken measures to compensate Spanish sugar producers and beet and sugar cane growers for the early alignment of prices it has done nothing to compensate isoglucose producers.

The applicants have suffered and will continue to suffer damage as a result of the Regulation, without which they would have continued to benefit from the higher intervention price for white sugar until the 1995/96 marketing year.

The applicants submit that the contested Regulation is of direct and individual concern to them and that their application should be declared admissible. They seek annulment of the Regulation on the following grounds:

Infringement of the principle of the protection of legitimate expectations

The applicants submit that, by aligning the Spanish prices on the common prices at 1 January 1993 without transitional measures for the applicants, the Council has infringed the principle of the protection of legitimate expectations. It could not be foreseen that the gradual transition towards the common prices would be disrupted as a result of the completion of the internal market on 1 January 1993; in the light of Regulation (EEC) No 1716/91 the applicants could legitimately expect that the moves towards price alignment would continue until the 1995/96 marketing year and they have conducted their business accordingly.

Infringement of Article 40 (3), paragraph 2 of the EEC Treaty

The applicants submit that, by failing to include transitional measures for isoglucose producers, the Council infringed the prohibition of discrimination contained in Article 40 (3), second paragraph of the EEC Treaty. The Regulation clearly treats sugar and isoglucose differently in that it compensates the sugar producers for the early alignment of prices, whereas it does not contain any

⁽¹⁾ OJ No L 387, 31. 12. 1992, p. 7.

⁽²⁾ OJ No L 162, 26. 6. 1991, p. 18.

compensation for the applicants. It is unclear what the reasons for this differentiation are and it must, therefore, be concluded that it is not objectively justified.

Reference for a preliminary ruling by the Hof van Beroep, Brussels, by interim judgment of 25 March 1993 in the case of Lamaire NV against Nationale Dienst voor Afzet van Land- en Tuinbouwprodukten

(Case C-130/93)

(93/C 135/04)

Reference has been made to the Court of Justice of the European Communities by an interim judgment of the Hof van Beroep (Court of Appeal), Brussels, of 25 March 1993, which was received at the Court Registry on 30 March 1993, for a preliminary ruling in the case of Lamaire NV, Oostvleteren, against Nationale Dienst voor Afzet van Land- en Tuinbouwprodukten (National Board for the sale of agricultural and horticultural products), Brussels, on the following question concerning the interpretation of Articles 9 and 12 of the EEC Treaty:

'do the words "duties on imports and exports and/or charges having equivalent effect" also encompass the contribution of Bfrs 2 per 100 kg of potatoes exported, which, pursuant to the Royal Decree of 15 May 1986, as amended by the Royal Decree of 14 July 1987 and more particularly by Article 4 thereof, concerning the compulsory contribution designed to promote the sale of agricultural produce (Belgisch Staatsblad of 19 July 1986 and 29 July 1987), is levied by the Nationale Dienst voor Afzet van Land- en Tuinbouwprodukten (National Board for the sale of agricultural and horticultural products) on potato exporters?'

Action brought on 31 March 1993 by the Commission of the European Communities against the Federal Republic of Germany

(Case C-131/93)

(93/C 135/05)

An action against the Federal Republic of Germany was brought before the Court of Justice of the European Communities on 31 March 1993 by the Commission of the European Communities, represented by José Luis Iglesias Buhigues, a Legal Adviser in its Legal Service, and Roberto Hayder, a representative of its Legal Service in Luxembourg, with an address for service in Luxembourg at the latter's office, C 254 Wagner Centre, Kirchberg.

The applicant claims that the Court should:

1. declare that, by banning deliveries from Member States and imports from non-member countries in free circulation in other Member States of live European freshwater crayfish in so far as they are not for the purpose of research and science, the Federal Republic of Germany has failed to fulfil its obligations pursuant to Articles 30 and 36 of the EEC Treaty;
2. order the defendant to pay the costs.

Pleas in law and main arguments adduced in support:

the restriction on deliveries of live freshwater crayfish, as specified in the application, introduced by the Erste Verordnung zur Änderung der Bundesartenschutzverordnung (First regulation amending the federal regulation on the protection of species) represents a trade restriction prohibited by Article 30 of the EEC Treaty. The current authorization practice involving quotas is not such as to bring matters in conformity with the Treaty because it makes freedom to deliver dependent on the discretion of the competent national authorities in individual cases;

the alleged danger of the introduction of alien species or of crayfish disease could in any event be countered by a ban limited to non-European species. Similarly the defendant could confine the ban to the stocking of certain inland waterways instead of banning practically every delivery for commercial purposes.

Reference for a preliminary ruling by the Pretura Circondariale di Perugia (Sezione Distaccata di Città di Castello) by order of that court of 18 March 1993 in the case of Antonio Crispoltoni v. Fattoria Autonoma di Città di Castello

(Case C-133/93)

(93/C 135/06)

Reference has been made to the Court of Justice of the European Communities by order of 18 March 1993 of the Pretura Circondariale di Perugia (Sezione Distaccata di Città di Castello) (District Magistrates' Court, Perugia, Section for Città di Castello), which was received at the Court Registry on 31 March 1993, for a preliminary ruling in the case of Antonio Crispoltoni v. Fattoria Autonoma di Città di Castello on:

the validity of Council Regulation (EEC) No 1114/88 of 24 April 1988 and of the regulations adopted in order to implement it.

Reference for a preliminary ruling by the Tariefcommissie, Amsterdam, by judgment of that court of 1 February 1993 in the case of Gebr. Van Es Douane Agenten BV v. Inspecteur der Invoerrechten en Accijnzen

(Case C-143/93)

(93/C 135/07)

Reference has been made to the Court of Justice of the European Communities by judgment of 1 February 1993 of the Tariefcommissie (Administrative Court for Customs and Excise), Amsterdam, which was received at the Court Registry on 5 April 1993, for a preliminary ruling in the case of Gebr. Van Es Douane Agenten BV v. Inspecteur der Invoerrechten en Accijnzen, Rotterdam, on the following questions:

1. Is Regulation (EEC) No 482/74 still in force with regard to the four declarations for importation at issue, notwithstanding the provisions of Article 16 of the current Common Customs Tariff Regulation?
2. In the event that the first question is answered in the affirmative, may Regulation (EEC) No 482/74 be lawfully applied for the purposes of the classification of goods under subheading 2306 90 91 of the current Common Customs Tariff even though the subheading itself contains no criterion regarding the starch content of residues resulting from the extraction of oil?

Reference for a preliminary ruling by interim order of the Gerechtshof, The Hague, of 5 February 1993 in the case of Openbaar ministerie against M. Voogd Vlees-import en -Export BV

(Case C-151/93)

(93/C 135/08)

Reference has been made to the Court of Justice of the European Communities by an interim order of the Gerechtshof (Regional Court of Appeal), The Hague, of 5 February 1993, which was received at the registry of the Court on 8 April 1993, for a preliminary ruling in the case of Openbaar ministerie against M. Voogd Vlees-import en -export BV, Rotterdam, on the following questions:

- 1.1. On a correct interpretation of the Annexes to the Commission Regulations referred to below, what meaning is to be given to the descriptions of poultrymeat products given at points (a) to (f) below taken from the specified tariff headings used for the purposes of export refunds in the poultrymeat sector:

(a) Description:

'B. Poultry cuts (excluding offals):

II. Unboned (bone in):

(e) Legs and cuts of legs:

3. Of other poultry.'

Tariff heading:

02.02.B.II (e) 3

Regulation:

Commission Regulation (EEC) No 1151/87 of 27 April 1987 (OJ 1987 No L 111, 28. 4. 1987, p. 21), which entered into force on 1 May 1987, and Commission Regulation (EEC) No 2800/87 of 18 September 1987 (OJ No L 268, 19. 9. 1987, p. 47), which entered into force on 21 September 1987.

(b) Description:

'B. Poultry cuts (excluding offals):

II. Unboned (bone in):

(a) Halves or quarters:

1. Of fowls.'

Tariff heading:

02.02.B.II (a) 1

Regulation:

Commission Regulation (EEC) No 1151/87 of 27 April 1987 (OJ No L 111, 28. 4. 1987, p. 21), which entered into force on 1 May 1987, and Commission Regulation (EEC) No 2800/87 of 18 September 1987 (OJ No L 268, 19. 9. 1987, p. 47), which entered into force on 21 September 1987.

(c) Description:

'B. Poultry cuts (excluding offals):

II. Unboned (bone in):

(g) Other.'

- Tariff heading:
02.02.B.II. ex (g)
Regulation:
Commission Regulation (EEC) No 1151/87 of 27 April 1987 (OJ No L 111, 28. 4. 1987, p. 21), which entered into force on 1 May 1987 and Commission Regulation (EEC) No 2800/87 of 18 September 1987 (OJ No L 268, 19. 9. 1987, p. 47), which entered into force on 21 September 1987.
- (d) Description:
'Poultry cuts and offal other than livers, frozen:
Of fowls of the species *Gallus domesticus*:
Cuts:
With bone in:
Legs and cuts thereof.'
Tariff heading:
0207.41.51.000
Regulation:
Commission Regulation (EEC) No 3846/87 of 17 December 1987 (OJ No L 366, 24. 12. 1987, p. 1), which entered into force on 1 January 1988.
- (e) Description:
'Poultry cuts and offal other than livers, frozen:
Of fowls of the species *Gallus domesticus*:
Cuts:
With bone in:
Other:
Halves or quarters, without rumps.'
Tariff heading:
0207.41.71.100
Regulation:
Commission Regulation (EEC) No 3846/87 of 17 December 1987 (OJ No L 366, 24. 12. 1987, p. 1), which entered into force on 1 January 1988.
- (f) Description:
'Poultry cuts and offal other than livers, frozen:
Of fowls of the species *Gallus domesticus*:
- Cuts:
With bone in:
Other:
Other.'
- Tariff heading:
0207.41.71.900
Regulation:
Commission Regulation (EEC) No 3846/87 of 17 December 1987 (OJ No L 366, 25. 12. 1987, p. 1), which entered into force on 1 January 1988.
- 1.2. Under which tariff heading should chicken legs with (part of) the backbone (without the rump) be classified:
— in the period from 1 May to 1 November 1987,
— in the period from 1 January to 1 October 1988?
- 1.3. If that question, formulated in such general terms, cannot be answered, and the answer depends on the size of the part of the backbone:
how large must that part be or in what place or manner must it be cut in order for the chicken leg with (that part of) the backbone (without rump) to be classified under one or other of the tariff headings set out at 1.1 (a) to (f) (applicable in the abovementioned periods)?
- 2.1. On a correct interpretation of the Annexes to the Commission Regulations referred to below, what meaning is to be given to the descriptions of poultrymeat products given at points (a) and (b) taken from the specified tariff headings used for the purposes of export refunds in the poultry-meat sector:
(a) Description:
'B. Poultry cuts (excluding offals):
II. Unboned (bone in):
(b) Whole wings, with or without tips.'
- Tariff heading:
02.02.B.II.b
Regulation:
Commission Regulation (EEC) No 267/87 of 28 January 1987 (OJ No L 26, 29. 1. 1987, p. 33), which entered

into force on 1 February 1987 and Commission Regulation (EEC) No 1151/87 of 27 April 1987 (OJ No L 111, 28. 4. 1987, p. 21), which entered into force on 1 May 1987.

(b) Description:

'Poultry cuts and offal other than livers, frozen: Of fowls of the species *Gallus domesticus*:

Cuts:

With bone in:

Whole wings, with or without tips.'

Tariff heading:

0207.41.21.000

Regulation:

Commission Regulation (EEC) No 3846/87 of 17 December 1987 (OJ No L 366, 19. 9. 1987, p. 1), which entered into force on 1 January 1988.

2.2. Under which of the tariff headings referred to at point 2.1 (a) or (b) or 1.1 (c) should front portions of the back, with wings, of fowls of the species *Gallus domesticus* be classified:

— in the period from 1 February to 1 November 1987,

— in the period from 1 January to 1 September 1988?

2.3. If that question, formulated in such general terms, cannot be answered, and the answer depends on the manner in which the portion concerned is cut:

— how must be the pieces be cut in order for wings with a piece of the back between them to be classified under one or other of the tariff headings referred to at points 2.1 (a) and (b) and 1.1 (c) (applicable in the abovementioned periods)?

COURT OF FIRST INSTANCE

ORDER OF THE COURT OF FIRST INSTANCE

of 2 April 1993

in Case T-12/93 R: Comité Central d'Entreprise de la SA Vittel and the Comité d'Établissement de Pierval against the Commission of the European Communities

(93/C 135/09)

(Language of the case: French)

(Provisional translation; the definitive translation will be published in the Reports of Cases before the Court of First Instance)

In Case T-12/93 R: Comité Central d'Entreprise de la SA Vittel and the Comité d'Établissement de Pierval, whose registered offices are at Vittel (France), represented by François Nativi, Hélène Rousseau and Françoise Bienaymé-Galaz, of the Paris Bar, and by Aloyse May, of the Luxembourg Bar, with an address for service in Luxembourg at the Chambers of Aloyse May, 31, Grand-rue, against Commission of the European Communities (Agent: Francisco Enrique González Díaz and Géraud de Bergues) — application

for suspension of the operation of the Commission Decision of 22 July 1992 relating to a proceeding under Council Regulation (EEC) No 4064/89 on the control of concentrations between undertakings (IV/M.190 — Nestlé/Perrier) ⁽¹⁾ — the President of the Court of First Instance made an order on 2 April 1993, the operative part of which is as follows:

1. *the Commission shall inform the Court of First Instance, as soon as it is in possession of the relevant information, that all of the conditions relating to the transfer of shares provided for in its Decision of 22 July 1992 relating to a proceeding under Council Regulation (EEC) No 4064/89 on the control of concentrations between undertakings (IV/M.190 — Nestlé/Perrier), have been met and that, in particular, any obstacles to the transfer of assets in Vichy and Thonon have been removed;*
2. *the operation of the Commission Decision, insofar as it orders the transfer of Pierval, is suspended until a ruling has been made on the application for interim measures, in the light of the information which the Commission shall provide pursuant to paragraph 1 of this order on the application for the suspension of the operation of the Decision.*

⁽¹⁾ OJ No L 356, 5. 12. 1992, p. 1.



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